

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Cr. No.: 1:19-cr-10040-JTF)
)	
vs.)	
)	
JEFFREY YOUNG,)	
)	
Defendant.)	

POSITION OF THE GOVERNMENT WITH RESPECT TO SENTENCING FACTORS

Comes now the United States of America through undersigned counsel, and presents the following outline of its position in this matter: The government agrees with the Defendant that the sentencing will last longer than 30 minutes. With respect to the Defendant's factual objections in Doc. 313, after conferring with counsel for the Defendant, the government takes the following positions:

1. As to Objection #1: The government agrees that following portion of paragraph 4 of the Presentence Report ("PSR") can be stricken: "The government also presented a video of the defendant engaged in an apparent sexual assault of a semi-conscious woman." The government does not believe this constitutes a material amendment to the PSR.
2. As to Objection #4: The government agrees that Paragraph 11 can be amended to add the words "...for that insurance company" after the words "opioid prescribers in Tennessee." The government does not believe this constitutes a material amendment to the PSR.

3. As to the remainder of the objections, the government disagrees with the Defendant on grounds that the government adduced at trial before this Court ample proof of the facts stated in the PSR. In many cases, the PSR cited directly to the testimony or physical exhibit that formed the basis of the fact presented. Further, the government agrees with the PSR author's response to those objections.
4. In a few instances, the government intends to present, at the hearing, evidence to demonstrate the following points in response to the Defendant's objections:
 - a. As to objection #12, the government is prepared show the video that forms the basis of the PSR's allegation that the defendant made a threatening and defamatory video about Kristie Gutzsell.
 - b. As to Objection #22, the government is prepared to explain to the Court at the sentencing hearing how it conservatively calculated the drug weight to be used in the guidelines calculations, as well as provide a brief analysis of alternative calculations. In short: even if the converted drug weight were dropped to between 3,000 and 10,000 converted drug weight, the final total offense level would be 44, which still yields a guidelines range of life imprisonment.
 - c. As to the Defendant's Sentencing Memorandum [Doc. 315], the government is prepared to present at the sentencing hearing responsive information that addresses the factors set forth in Title 18, United States Code, Section 3553(a).

In short, the Government agrees with the PSR's recommendation for a term of incarceration of 480 months.

Respectfully submitted,

/s/ Andrew Pennebaker

Katherine Payerle
Assistant Chief
Andrew Pennebaker
Trial Attorney
U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed through ECF on November 30, 2023.

/s/ Andrew Pennebaker

Andrew Pennebaker
Trial Attorney